

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:05CR263

**UNITED STATES OF AMERICA,)
)
)
)
vs.) **O R D E R**
)
)
MANUEL JUAREZ-OJINAGA.)
)**

THIS MATTER is before the Court on the Government's motion to amend the bill of indictment to reflect the correct venue and the Defendant's motions to continue and to enlarge the time within which to file pre-trial motions.

The Court finds for the reasons stated in the motion that a failure to grant the continuance would deny the Defendant's attorney the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. **18 U.S.C. §3161(h)(8)(B)(iv).** The Court further finds that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendant in a speedy trial. **18 U.S.C. §3161(h)(8)(A).**

The Court also finds that, based on the continuance, an enlargement of time will not prejudice the Government. Therefore, the time within which to file pre-trial motions is enlarged to January 20, 2006.

In addition, amending the indictment to reflect that the case is in the Asheville Division instead of the Charlotte Division is not prejudicial or a constructive amendment of any substantive provision of the indictment.

IT IS, THEREFORE, ORDERED that the Defendant's motion to continue is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Defendant's motion for an enlargement of time is hereby **GRANTED** and pre-trial motions must be filed on or before January 20, 2006.

IT IS FURTHER ORDERED that the Government's motion to amend the indictment is hereby **GRANTED**.

Signed: December 12, 2005



Lacy H. Thornburg
United States District Judge

